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DEPOSITION OF ANTHONY HEILIG

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1 MR. MANVILLE: Remember, let him finish before you
2 talk.

3 MS. GILLIAM: Sorry.

4 MS. SPARKS: It's hard.

5 Q At any point in time have you discussed this lawsuit with
6 anyone else other than your attorney?

7 A No.

8 Q Have you ever posted anything about this lawsuit on any web
9 site or social media?

10 A No.

11 Q So now I want to ask you some background information. How
12 long have you been employed with the Michigan Department of
13 Corrections?

14 A Five years as of February 23rd.

15 Q Have you worked at any other facilities?

16 A No.

17 Q And what position do you currently hold?

18 A I'm a corrections officer.

19 Q And what positions have you previously held?

20 A I've just been a corrections officer.

21 Q And what is your height and weight?

22 A 5'10", 220.

23 Q And is your current height and weight similar to that of
24 August 2017?

25 A I'm not sure. Height, yes; weight, fluctuates.

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1 January/February 2015, and then on-the-job training here
2 shown by other staff how to perform those.

3 Q And typically how many officers do the cell shake down? Is
4 it just one?

5 A It depends. Are you talking one cell at a time, like, will
6 there be more than one officer in there?

7 Q Correct.

8 A Yeah, sometimes. If you're training a new officer, you'll
9 have two officers in there. If you and your partner are up
10 there and there's not a lot going on, he'll give you a hand,
11 she'll give you a hand. There's no guidelines to say how
12 many officers are or are not allowed in the cell at one
13 time.

14 Q So on August 19th, 2017, did you perform a shakedown on Mr.
15 Cantrell's cell?

16 A I don't recall the date specifically, but if that's what
17 your records show, then I would assume yes.

18 Q Do you know why you performed a shakedown of his cell?

19 A Can I ask a question? Was this the day of the incident --

20 Q Yes.

21 A -- that took place? Yes. I believe I did shake his cell
22 down. What was the last question you asked?

23 Q If you remember why you shook his cell down?

24 A To the best of my recollection I believe a sergeant came in
25 to review a misconduct with Prisoner Cantrell. We opened

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1 lines. Prisoner Cantrell to best of my recollection did not
2 receive medication at night. I'm not sure if he receives
3 medication in the morning, but his bunkie at the time did.
4 And so prior to us running med lines I did let a supervisor
5 know that there might be an incident based on what happened
6 on first shift and guys trying to come out that weren't
7 supposed to be out during med line. So we had a supervisor
8 in the unit for med lines and extra staff in the unit that
9 night for med lines. So knowing Prisoner Cantrell did not
10 have medication lines, we were on the rock when we broke his
11 door for his bunkie to receive his medication. Prisoner
12 Cantrell came out and I instructed him to return to his cell
13 because he did not have med lines. And he argued but
14 eventually returned to his cell.

15 Q Did he say why he came out?

16 A He did not to the best of my recollection.

17 Q Do you recall telling Mr. Cantrell to, "Go lock your punk
18 ass down"?

19 A I did not say that.

20 Q Do you recall telling Mr. Cantrell, "Keep it up and you're
21 going to get what's coming to you"?

22 A I did not say that.

23 Q So you said eventually he went back to his cell and then --

24 A Yes, after I gave him several direct orders to return to his
25 cell. He argued. I don't recall exactly what he was

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1 saying, but I repeated myself, "Go lock down. You don't
2 have med lines," you know, along those lines, and eventually
3 he complied.

4 Q And then at some point after that did you remove him from
5 his cell?

6 A His bunkie returned from med line and so his door had to
7 reopen and at that time Prisoner Cantrell stepped into the
8 door, continued cursing, saying stuff. I told him several
9 more times to, "Step into the cell, let the door close."
10 After the third time or fourth time, I'm not sure how many
11 exactly, but I told him several times, with him not
12 complying, I got on the radio and told the supervisor we had
13 one refusing to lock in. At that time I approached the door
14 and opened it. As I was approaching -- let me back up. As
15 I was approaching the door, he stepped in and allowed the
16 door to close. I keyed the door open and told him to step
17 out. He refused. Sergeant Stump, I believe it was, got up
18 there and told him to come up. He refused to Sergeant
19 Stump. At some point Sergeant Stump directed Officer
20 Earegood to turn his ECD on and when he did that, Prisoner
21 Cantrell came to the door, turned around and I placed wrist
22 restraints on him.

23 Q And his bunkie was in the cell, already back in the cell at
24 this time?

25 A Yes, I believe. I think he was sitting on his bunk.

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1 Q So after you placed the restraints on him, do you recall
2 which side -- during the escort, which side of him you were
3 on?

4 A I believe his left side.

5 Q And who else -- which other officers escorted him?

6 A Officer Arp I believe was on his right side, and then
7 Officer Earegood followed with the ECD on because it has
8 audio and video recording.

9 Q Now escorting him from -- from his cell when you first leave
10 his cell and up to when you get to the stairs --

11 A Uh-huh (affirmative).

12 Q -- did he engage in any resistance?

13 A No.

14 Q While escorting him down the stairs, did he engage in any
15 resistance?

16 A He attempted to push his body weight into me at the top of
17 the stairs, which I was on the railing side, so my
18 perception was is he tried to push me into the rail at the
19 top of the stairs, and then we tried to get better control
20 of him by switching our escort technique which he resisted
21 our efforts to do that going down the stairs. I lost my
22 balance. I almost fell/tripped going down the stairs. I
23 believe he was resisting our efforts to, like I said, gain
24 control of us. I'm not sure -- I was trying to get him in
25 the shoulder lock escort position and he's a large guy and

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1 MS. SPARKS: Objection as to the characterization
2 of the statement -- mischaracterization. Sorry. Go ahead
3 and answer.

4 **A Could you ask that question again?**

5 Q Yeah. Why did you have to take him to the floor at the
6 bottom of the stairs?

7 A Because we could not control him. He was resisting our
8 efforts to get him in a more controllable escort position,
9 and by doing so, he was still able to resist our efforts and
10 so he was taken down to the ground to where we could gain
11 better control of him.

12 Q How was he resisting?

13 A He was tensing his body. He pinned his arms to his ribs so
14 Officer Arp couldn't get his hand through his arm to get a
15 more controlling escort technique and so he was taken to the
16 ground to gain control of him.

17 Q And once he was on the ground what happened?

18 A Once he was on the ground, I stayed on his left side. I got
19 in the correct escort position because I was able to get my
20 arm all the way through and get to the correct position. I
21 can't speak for anybody else, but we were on the ground.
22 Several officers came in and either took control of his head
23 or his legs or his other arm, and once we had him under
24 control we stood him up and we finished the escort to
25 segregation.

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1 **cell.**

2 **Q** And do you recall which shower you would have placed him in?

3 **A** **I don't. I don't.**

4 **Q** Did there come a point in transferring Mr. Cantrell to
5 segregation in which you choked him?

6 **A** **No.**

7 **Q** Did there come a time while transferring Mr. Cantrell to
8 segregation in which someone else placed their hands around
9 his neck?

10 **A** **Not that I recall.**

11 **Q** And do you know if there was a -- if the video camera was
12 still filming on the escort to segregation?

13 **A** **I believe it was. Usually the electronics monitoring
14 officer follows/escorts with the camera unless something
15 else is going on, but --**

16 **Q** And are you aware that Mr. Cantrell sustained injuries as a
17 result of this incident?

18 MS. SPARKS: Objection as to foundation. Go
19 ahead.

20 **A** **I don't know if he sustained injuries or not.**

21 **Q** Are you aware that he sustained injuries to his ribs?

22 **A** **I don't know if he sustained injuries or not.**

23 **Q** Are you aware that he sustained injuries to his hip?

24 **A** **I'm not aware of any injuries.**

25 **Q** Are you aware that he sustained injuries to his foot?

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1 ticket?

2 **A Yes.**

3 **Q And do you know what the repercussions are for a prisoner**
4 **who receives a class I, who is found guilty of a class I?**

5 **A Again, I write the ticket based on the charge I feel fits.**
6 **The class is determined by the charge. Class I misconducts**
7 **I think might carry more points as far as their security**
8 **level goes, but all of the punitive stuff is handled by the**
9 **person who's holding court, whether they find them guilty or**
10 **not. So it could be -- it's at their discretion as to what**
11 **to -- what the punishment is going to be if they find him**
12 **guilty.**

13 MS. GILLIAM: Let the record reflect I'm handing
14 Officer Heilig what has been marked as Exhibit 2.

15 **Q Can you tell me what Exhibit 2 is?**

16 **A Looks like a misconduct.**

17 **Q And is this the misconduct you filled out?**

18 **A Yes.**

19 **Q And can you tell me what the charge is?**

20 **A The charge is assault and battery staff victim.**

21 **Q And why did you charge Mr. Cantrell with assault and**
22 **battery?**

23 **A Because at the top of the stairs he shifted his weight into**
24 **me and pulled away, which falls in the criteria of assault**
25 **and battery as we're doing our escort, and so that was the**

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1 charge that fit his actions during the escort.

2 Q So the assault was -- when you said he pulled away or pushed
3 into you or both?

4 A He did both, both. Yes. It started at the top of the
5 stairs when he shifted his weight into me in what I
6 perceived as an attempt to get me to either hit the rail or
7 go over the rail and then he continued to resist by pulling
8 away and tensing his body while we were going down the
9 stairs. And so it was accumulation of all of those actions
10 that is the reason I wrote the misconduct.

11 Q* Well, if I may? You said in the ticket, "He pulled away at
12 the top of the stairs causing me to lose my balance"; right?
13 At the end of the first line?

14 A Yes.

15 Q* Okay. And so is that where you're saying he made contact
16 with you? Because without the contact you don't have an
17 assault; right?

18 A That's not necessarily true.

19 Q* There has to be some type of contact. So I can assault you
20 without contacting you?

21 A Not like --

22 MS. SPARKS: Objection as to speculation. Go
23 ahead and answer.

24 Q Based upon the misconduct definition, must there be some
25 type of contact?

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1 **happened, what transpired.**

2 Q But you don't remember whether you did or not?

3 A No, I do not remember whether I did or not.

4 Q* Because you don't put anything in here, on the ticket, that
5 you reviewed the video in determining what type of
6 misconduct you should write, do you?

7 A Right. It was my perception during the incident.

8 Q* Okay. So you based upon -- writing this conduct was based
9 upon your perception of the incident; right?

10 A Yes.

11 Q* Not on the video?

12 A Correct.

13 MR. MANVILLE: Sorry. Go ahead.

14 Q And you, I believe you said that you are aware there was a
15 hearing --

16 A Yes.

17 Q -- for the misconduct?

18 A Yup.

19 MS. GILLIAM: Let the record reflect I am handing
20 Officer Heilig Exhibit 3.

21 Q And can you tell me what Exhibit 3 is?

22 A It says a "Class I Misconduct Hearing Report."

23 Q And in this report the hearing officer wrote that based on
24 viewing the video that one of the officers placed his foot
25 under Mr. Cantrell and tripped him?

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1 A Where do you see that?

2 Q If you look in the section, you see where it says
3 "Evidence/Statements in addition" towards the top

4 A Yup.

5 Q* Second line.

6 Q It's about the --

7 A "And -- down the stairs."

8 Q -- second or third line. Did you find it?

9 A Yup.

10 Q Okay. So were you the one who tripped him?

11 A No.

12 Q Do you know who did?

13 A I would believe it was Officer Arp who was on the other side
14 of his body.

15 Q And do you know why he would try to trip him?

16 A I can't speak to what his thought process was.

17 Q And you're aware that the hearing officer found Mr. Cantrell
18 not guilty; correct?

19 A **Correct.**

20 Q Of assault and battery --

21 A **Correct.**

22 Q -- correct? Now I'd like to show you the two videos.

23 A Okay.

24 REPORTER: Are we going to go off the record for
25 this?

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1 A 48 there's no shift.

2 Q* Straight up and down?

3 A Straight up and down.

4 Q* Okay.

5 (Review of video)

6 50, still no shift?

7 A Up until this point, no.

8 Q* All right. And it doesn't seem like you're at the stairs
9 yet?

10 A Correct.

11 (Review of video)

12 51 was the shift, right there (indicating), right as we're
13 by the cell door which is still at the top of the stairs.

14 Q* Okay.

15 A Nobody has stepped down to the stairs at that point.

16 Q* All right. And why -- how -- why are you saying that
17 there's a shift in weight because on the right side it seems
18 that, you know, his body is straight up and down. You agree
19 with that?

20 A No, I don't agree with that. Watch the video.

21 Q* No. I'm just asking you what's showing right now on 52.

22 Does it show that his -- the side of his body is straight up
23 and down?

24 A Yes.

25 Q* Okay. So I'm going to hit and I will --

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1 (Review of video)

2 A It was already past the instance.

3 Q* We're at 52. We're at 53 seconds.

4 A Right. But it's quick.

5 Q* All right. So between 52 --

6 A You can go frame by frame.

7 Q* -- so between 52 and 53 you're saying that there's a shift
8 in his body?

9 A No. I'm saying the shift starts at roughly 51.

10 Q* Okay. A minute ago at 52 you said his body was straight up
11 and down.

12 A That's where you stopped, yes.

13 Q* Okay. Okay. But at 53 you're saying that it's now --

14 A Now we're on the stairs.

15 Q* Right. You're --

16 A The shift is already done.

17 Q* Okay. The shift is already done?

18 A Yes.

19 Q* When you're escorting him, are you right next to him?

20 A I have my right arm on his left bicep.

21 Q* Right. But you could have been behind him with your right
22 arm on his left arm; right?

23 A Yeah.

24 MS. SPARKS: Objection as to speculation. I'm
25 sorry. Go ahead and --

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1 that video where it is that you experienced resistance from
2 Prisoner Cantrell?

3 **A** Not in the frame by frame, no.

4 **Q** Can you even see in some of the videos where you experienced
5 resistance from the prisoner in general?

6 **A** Can I see it in the videos?

7 **Q** Yes.

8 **A** Yes.

9 **Q** Can you always see it?

10 **A** Yes.

11 **Q** And when I say "always," can you see it at every point in
12 the video?

13 **A** Every point in the video I'm pretty sure when I saw it I
14 said "right there," "right there," "right there" throughout
15 the video. It's more difficult to see frame by frame if
16 you're able to see it at all during the frame by frame,
17 but --

18 **Q** It's at the points you had identified; correct?

19 **A** Correct.

20 **Q** Okay. So again, it wasn't in the hallway?

21 **A** No.

22 **Q** Okay.

23 MS. SPARKS: I don't have anything further.

24 MR. MANVILLE: I just have a couple of follow-up.

25 EXAMINATION

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1 supervisors?

2 **A** Yes, and no. It depends if -- it all depends on what they
3 need. The prisoners know if they blow the power in their
4 cell that we don't have the ability to turn it back on, so
5 they might ask us to talk to a supervisor to try and get
6 their power turned back on, or they might ask us to talk to
7 a supervisor to try and get their power turned back on. In
8 that particular unit, I believe there's, depending on the
9 day, three to four officers working. He might not have
10 asked me to see a supervisor. He might have asked somebody
11 else to see a supervisor. So there's just a lot of
12 variables in what may or may not have happened as far as him
13 requesting to see a supervisor.

14 **Q** Does it negatively impact your job in any way if someone
15 asks you whether they can speak to a supervisor?

16 **A** No. We will let the sergeant know or tell them, "Hey,
17 sergeant's going to be in here during chow lines, you can
18 holler at him then." And so we'll one of two ways. We'll
19 either tell the prisoner, "They should be in here. I'll let
20 him know" or "I'll give him a call and let them know."

21 **Q** And going back to the testimony regarding the issue on the
22 first shift incident.

23 **A** Uh-huh (affirmative).

24 **Q** Why is it alarming to you that someone overheard Prisoner
25 Cantrell supposedly make some kind of a statement he would

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